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16 Attorneys for Plaintiff  
CARUCEL INVESTMENTS, L.P.

20 CARUCEL INVESTMENTS, L.P., a  
Delaware limited partnership,

21 Plaintiff,

22 v.

23 NOVATEL WIRELESS, INC., a  
24 Delaware corporation; VERIZON  
25 COMMUNICATIONS INC., a  
26 Delaware corporation; and CELLCO  
27 PARTNERSHIP d/b/a VERIZON  
28 WIRELESS,

Defendants.

Case No. 16-cv-0118-H-KSC

**PLAINTIFF'S OBJECTIONS TO  
DEFENDANTS' MOTION TO RETAX  
COSTS**

Judge: Hon. Marilyn L. Huff

1 Plaintiff Carucel Investment, L.P. ("Carucel") does not object to the  
2 evidentiary submission on the motion to retax costs, but maintains the same  
3 objection that it made to the \$21,425 Defendants requested for the cost of  
4 services of its in-house graphic designer to prepare the graphics and other visual  
5 aids used at trial. That amount should not be included as recoverable costs.  
6 Recoverable costs are not intended to reimburse for intellectual effort. "Fees for  
7 exemplification and copying are permitted only for the physical preparation and  
8 duplication of documents, not the intellectual effort involved in their production."  
9 *Zuill v. Shanahan*, 80 F.3d 1366, 1371 (9th Cir. 1996); *see also Duhn Oil Tool,*  
10 *Inc. v. Cameron Int'l Corp.*, No. 1:05-CV-01411-MLH-GSA, 2012 U.S. Dist.  
11 LEXIS 134199, at \*18-19 (E.D. Cal. Sep. 19, 2012); *Romero v. City of Pomona*,  
12 883 F.2d 1418, 1427-28 (9th Cir. 1989); *Oracle Am., Inc. v. Google Inc.*, 2012  
13 U.S. Dist. LEXIS 125237, \*11 (N.D. Cal. Sept. 4, 2012); *Affymetrix, Inc. v.*  
14 *Multilyte Ltd.*, 2005 U.S. Dist. LEXIS 41177, \*12 (N.D. Cal. Aug. 26, 2005).  
15 This is the same objection to the same costs originally sought, and Carucel  
16 further incorporates by reference the full discussion of why such costs are not  
17 reimbursable from its original objections. *See* Dkt. 349.

18  
19 Dated: October 6, 2017

Respectfully submitted,

20 RuyakCherian LLP

21 /s/ Robert Harkins  
22 Robert Harkins

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 6th day of October, 2017, with a copy of this document via the Court's EM/ECF system. Any other counsel of record will be served by electronic mail, facsimile and/or first class mail on the same date.

/s/ Robert Harkins  
Robert Harkins

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